

THADDEUS LAUGHLIN.

---

178

LETTER

FROM THE

SECRETARY OF THE TREASURY,

TRANSMITTING

The Opinion of the Attorney General,

IN THE CASE OF

THADDEUS LAUGHLIN.

---

DECEMBER 14, 1827.

Read, and laid upon the table:

---

WASHINGTON :

PRINTED BY GALES & SEATON.

1827.

[Illegible text block]

[Illegible text block]

## TREASURY DEPARTMENT,

*December 12th, 1827.*

SIR: I have the honor to transmit, herewith, the opinion of the Attorney General, in the case of Thaddeus Laughlin, obtained in compliance with the resolution of the House of Representatives of the 3d of March, 1827, and to state, that, in further compliance with the said resolution, the necessary directions have been given to suspend the process of execution against the said Laughlin until the close of the present session of Congress.

The documents received with the resolution are also transmitted.

I have the honor to remain,

With the highest respect,

Your most obedient servant,

RICHARD RUSH,

The Hon. ANDREW STEVENSON,

*Speaker of the House of Representatives.*



## OFFICE OF THE ATTORNEY GENERAL OF THE U. S.

March 29th, 1827.

SIR : I have examined, carefully, the petition of Thaddeus Laughlin, with the documents accompanying the same, submitted by you for my opinion "as to the legal liability of Thaddeus Laughlin, under a judgment recovered against him, in favor of the United States, in the District Court for the Northern District of New York," and I have been able to discover no solid ground on which his legal liability under that judgment can be questioned.

The grounds on which the petitioner questions his liability under that judgment are two :

1. That the duty-bonds, on which the judgments were rendered, were to be obligatory only on the condition that the goods which had been libelled for forfeiture should be restored to the claimant; whereas they were condemned.

2. That the suits upon the bonds were protracted until the principle obligor and the co-security became insolvent, which the petitioner considers as a legal absolution to him.

In the first ground the petitioner is mistaken in the fact. The duty-bonds were not dependent on the condition of the acquittal or forfeiture of the goods, nor was the amount of the duties included in the stipulation given by David A. Ogden ; this stipulation being only for the estimated value of the goods. The duty bonds were, therefore, entirely distinct from the admiralty proceedings ; and the claimant having had the goods delivered to him for sale, as if he had been the regular importer, the duties were due, whatever might be the fate of the admiralty proceedings. The 89th section of the collection law offered to the claimant the option, to suffer the goods to remain in the custody of the admiralty until the decision, or to take them out, and treat them as his own, on the conditions prescribed by that section : these conditions were, that he should give bond in an amount equal to the appraised value of the goods, *and also produce a certificate from the collector that the duties had been paid or secured* : of the bond for the appraised value the court takes possession ; and the section provides, that, if judgment shall pass in favor of the claimant, that this bond shall be cancelled ; but it makes no correspondent provision, in that event, either for refunding the duties, if they shall have been paid, or cancelling the duty-bonds, if they shall remain uncollected. My opinion, therefore, is, that the duties, if paid, and the duty-bonds, remain totally unaffected by the decision on the libel.

2. As to the protraction of the suits, it has been so often decided as to have passed into a settled law, that no *laches* can be imputed to the Government ; and that no voluntary forbearance, either to institute or press a suit against the principal, can discharge the sureties.

The documents are returned.

I have the honor to remain, Sir, very respectfully,

Your obedient servant,

WM. WIRT,

The Hon. RICHARD RUSH,  
*Treasury Department.*

TREASURY DEPARTMENT,  
January 11th, 1827.

Sir: In compliance with the resolution of the House of Representatives of the 5th of May last, referring the petition of Thaddeus Laughlin to the Secretary of the Treasury, and instructing him "to procure from the Collector of the district of Oswegatchie, in the State of New York, and from the Attorney of the United States for the Northern district of the State of New York, a statement or statements of the facts, transactions, and proceedings, touching the matters set forth in the said petition, and particularly an explanation of the delay in prosecuting the suits by the United States against Benjamin W. Hopkins and Benjamin Roswell, and the petitioner to final judgment and execution, and make report thereof, together with such other facts or explanations as the said Secretary may deem material, at the next session of Congress; and that the Secretary of the Treasury be instructed to cause the execution process against the said petitioner, for the debt and costs of the judgment mentioned in the said petition, to be suspended until the 3d day of March next:"

I have the honor to state, that letters were addressed to the Attorney of the United States for the Northern district of New York, and to the present and former collectors of the district of Oswegatchie, and a copy of the resolution and petition therein referred to, transmitted to each of those gentlemen, with a request that they would make report to the Department, in as full a manner and at as early a period as practicable, "of all the facts, transactions, and proceedings, touching the matter set forth in said petition," accompanied by such remarks and explanations as they might deem in any-wise material or pertinent to its subject-matter.

Answers have been received to each of those letters and copies thereof are herewith transmitted, marked A, B, C, D, and E, and contain all the information in relation to the case of the petitioner that it has been in the power of the Department to procure.

A copy of a letter addressed by the Agent of the Treasury to the Attorney of the United States for the Northern district of New York, marked F, is also transmitted.

The documents received from the House are herewith returned.

I have the honor to remain,

With the greatest respect,

Your obedient servant,

RICHARD RUSH.

The Hon. the SPEAKER

*of the House of Representatives.*





